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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,847	03/04/2004	Alexander Kanaris	669-159 RCE	3857
23869 7590 06/18/2008 HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791				
EXAMINER				
NICHOLSON III, LESLIE AUGUST				
ART UNIT		PAPER NUMBER		
3651				
MAIL DATE		DELIVERY MODE		
06/18/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/791,847

Applicant(s)

KANARIS, ALEXANDER

Examiner

LESLIE A. NICHOLSON III

Art Unit

3651

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,13-15,20 and 21 is/are rejected.
- 7) ☒ Claim(s) 6-12,16-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 1, 3-21 have been considered but are moot in view of the new ground(s) of rejection.

Due to Applicant's amendments, all previous claim objections are hereby withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 20, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardella USP 3,599,769 in view of Agnoff USP 6,419,070.

Gardella discloses a motorized conveyor roller and method of inhibiting contact comprising a rotatable portion comprising a rotatable roller tube (2) and a first and second non-rotatable hollow tube (6), each said non-rotatable tube extending axially outward adjacent from said rotatable portion and having a radial end surface (fig. 1, 3), but does not expressly disclose the non-rotatable tubes having a diameter substantially the same as a diameter of said rotatable portion.

Agnoff teaches bearing shields (40) having a diameter substantially the same as a diameter of said rotatable portion for the purpose of adequately protecting the bearings from dirt and debris.

At the time of invention it would have been obvious to one having ordinary skill in the art to have the non-rotatable tubes be a diameter substantially the same as a diameter of said rotatable portion, as taught by Agnoff, in the device and method of Gardella, for the purpose of adequately protecting the bearings from dirt and debris.

4. Claims 4,5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardella USP 3,599,769 in view of Agnoff USP 6,419,070 further in view of Hill USP 6,443,295.

Gardella discloses all the limitations of the claim, but does not expressly disclose the roller tube including a motor.

Hill teaches the roller tube including a motor (44) for the purpose of easily controlling individual rollers.

At the time of invention it would have been obvious to one having ordinary skill in the art to include the roller tube with a motor, as taught by Hill, in the device of Gardella, for the purpose of easily controlling individual rollers.

Gardella further discloses:

- Wherein said first and second cylindrical ends are axially disposed about a central shaft (3)

5. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardella USP 3,599,769 in view of Agnoff USP 6,419,070.

Gardella discloses all the limitations of the claim (see ¶13), but does not expressly disclose first and second spaced apart stationary shafts or the non-rotatable tubes having a diameter substantially the same as a diameter of said rotatable portion.

Agnoff teaches first and second spaced apart stationary shafts (50) (fig.1) (C4/L44-46) for the purpose of reducing cost of the roller (C2/L34-40).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ first and second spaced apart stationary shafts, as taught by Agnoff, in the device of Gardella, for the purpose of reducing cost of the roller.

Agnoff teaches bearing shields (40) having a diameter substantially the same as a diameter of said rotatable portion for the purpose of adequately protecting the bearings from dirt and debris.

At the time of invention it would have been obvious to one having ordinary skill in the art to have the non-rotatable tubes be a diameter substantially the same as a diameter of said rotatable portion, as taught by Agnoff, in the device and method of Gardella, for the purpose of adequately protecting the bearings from dirt and debris.

Allowable Subject Matter

6. Claims 6-12,16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LESLIE A. NICHOLSON III whose telephone number is (571)272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gene Crawford/
Supervisory Patent Examiner, Art
Unit 3651

/L. A. N./
Examiner, Art Unit 3651
6/13/2008